

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LOUIE VILLALBA,

Petitioner,

No. CIV S-04-2608 LKK DAD P

vs.

MIKE KNOWLES, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner's application.

Petitioner has also filed a document styled, "Motion For Discoveries," in which he seeks a court order permitting him to conduct discovery and to obtain a copy of an executive report purportedly prepared for the Governor of California. However, petitioner has not provided sufficiently specific information regarding the discovery he seeks to conduct, how the document he seeks will support the claims set out in his habeas petition and why the information he seeks cannot be obtained without a court order.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Respondents are directed to file a response to petitioner's application within
3 thirty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer
4 shall be accompanied by any and all transcripts or other documents relevant to the determination
5 of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases;

6 2. Petitioner's traverse, if any, shall be filed and served within thirty days of
7 service of an answer;

8 3. If the response to petitioner's application is a motion, petitioner's opposition or
9 statement of non-opposition shall be filed and served within thirty days of service of the motion,
10 and respondents' reply, if any, shall be filed within fifteen days thereafter;

11 4. Petitioner's December 8, 2004 motion for discovery is denied; and

12 5. The Clerk of the Court shall serve a copy of this order together with a copy of
13 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jo Graves,
14 Senior Assistant Attorney General.

15 DATED: September 1, 2005.

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18 DALE A. DROZD
19 UNITED STATES MAGISTRATE JUDGE
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